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Attorneys for Plaintiff

**United States District Court
District of New Jersey**

ELIZABETH McNAIR, Administrator Ad
Prosequendum of the ESTATE OF
DARRELL SMITH, and ELIZABETH
McNAIR, Individually,

Plaintiff,

v.

STATE OF NEW JERSEY, DEPARTMENT OF
CORRECTIONS, SPECIAL TREATMENT
UNIT, ADULT DIAGNOSTIC & TREATMENT
CENTER, COMMISSIONER MARCUS O.
HICKS, in his official and
individual capacity, RAYMOND
ROYCE, in his official and
individual capacity, NEW JERSEY
DEPARTMENT OF HEALTH, RUTGERS, THE
STATE UNIVERSITY OF NEW JERSEY,
d/b/a/ RUTGERS BIOMEDICAL & HEALTH
SCIENCES, UNIVERSITY CORRECTIONAL,
et al.,

Defendants

Civil Action No. 2:21-cv-01291

**AFFIDAVIT OF MERIT PURSUANT
TO N.J.S.A. 2A:53A-27**

STATE OF NEW JERSEY)

S.S.

COUNTY OF ESSEX)

I, John A. Russo, M.D. having been duly sworn according to the law
do hereby declare the following:

1. I hold an active license as a physician in the states of New
Jersey and New York.

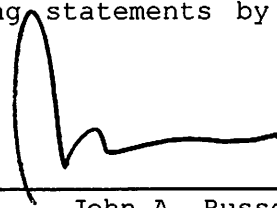
2. I am Board Certified by American Board of Internal Medicine. I devote a substantial portion of my professional time to the clinical practice of internal medicine which includes the treatment provided here.

3. I have reviewed materials associated with the care of Darrell Smith.

4. Based on my understanding of the facts involved in the treatment rendered here, in my opinion, there exists a reasonable probability that the care, skill, or knowledge exercised and/or exhibited in the treatment, practice, or work performed by Rutgers Biomedical & Health Sciences (improperly pled as Rutgers, The State University of New Jersey d/b/a Rutgers Biomedical & Health Sciences), University Correctional Health Care, Arthur Brewer M.D., Ihuoma Nwachukwu M.D., and Bharatkumar R. Patel M.D., in the treatment of Darrell Smith, fell outside acceptable customs, standards, and practice.

5. I have no financial interest in the outcome of the case under review.

6. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.

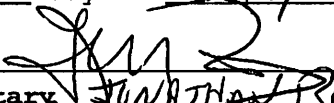


John A. Russo, M.D.

Sworn and subscribed before me this

20th day of MAY, 2022

Notary


Jonathan Rosenblath
Attorney at Law - State of New Jersey